

ENTERED

December 19, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CURTIS SMITH,

Plaintiff,

VS.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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3:20-cv-282

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On October 2, 2023, this case was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 24. Judge Edison filed a memorandum and recommendation on November 16, 2023, recommending that Plaintiff's motion for summary judgment (Dkt. 18) be granted, and the Defendant's motion for summary judgment (Dkt. 21) be denied. Dkt. 25.

No objections have been filed to the memorandum and recommendation. Accordingly, the court reviews it for plain error on the face of the record. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record.

Accordingly:

- (1) Judge Edison's memorandum and recommendation (Dkt. 25) is approved and adopted in its entirety as the holding of the court; and
- (2) Plaintiff's motion for summary judgment (Dkt. 18) is granted, and the Defendant's motion for summary judgment (Dkt. 21) is denied; and
- (3) This case is remanded to the Social Security Administration for further proceedings consistent with Judge Edison's memorandum and recommendation.

SIGNED on Galveston Island this 19th day of December, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE